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Quid Starts 1994 with Bright Green Fashion Statement

Jay Sinha
Editor-in Chief

It is easy to be apathetic and inert. All one has to do is nothing; just go with the flow of the safe status quo. But to jump into a new look based on solid principles, now that is downright exciting.

As you can see the Quid is now printed on 100% recycled paper. As well, this particular issue is just chock full of gripping environmental propaganda. You will notice the birth of the Quid Novi legal photo essay of which there are several environmentally related examples this issue. There is something for everyone.

If you happen to be a hard-core, right wing, materialistic, conspicuous consumption oriented capitalist who

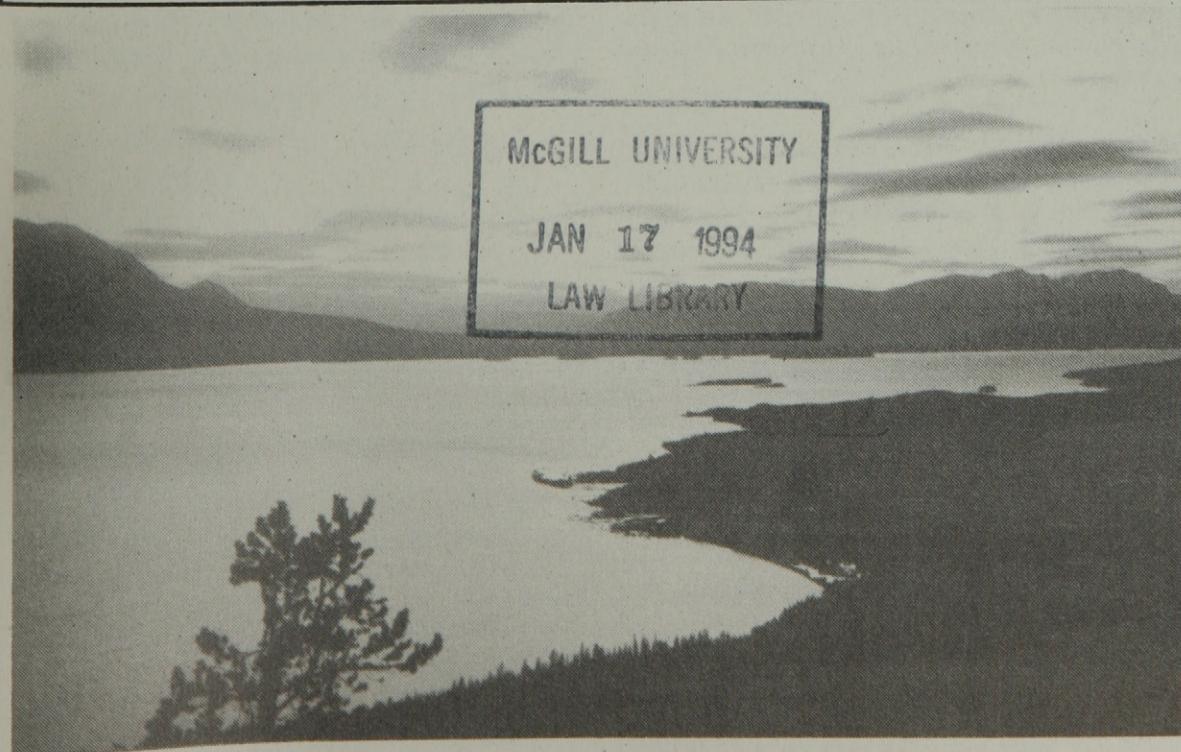
believes the whole environmental thing has been blown way out of proportion by the likes of Brigitte Bardot, Ralph Nader, Maurice Strong and Kermit "it's not easy being green" the Frog then this Quid is for you. Don't just dismiss it as irrational blather and toss it without a glance. Let it feed your fire. Read it cover to cover and take notes as you smolder into a frenzy of (ir)rationality. Then with Rush Limbaugh-like fervor type it up, give it to us on an IBM compatible floppy disk, and we'll print it.

If, on the other hand, you happen to be a hard-core, as left as they come, Birkenstock shod, organic farming, tree saving activist who believes the Clayoquot Sound demonstrations have been much too tame, then this issue is also for you. If you feel this issue

doesn't begin to go far enough in the direction of environmental sanctity then put your thoughts in print and let us publish them (once again, an IBM compatible floppy would be much appreciated). It is not too late to feed the fire.

If you fall somewhere between (or beyond) these two characterizations, don't let the dynamism of controversial subject matter pass you by either. Life is too short. *Carpe diem*. Within these pages you will find fodder for thought.

I am reminded of a statement by the Bengali artist, Atul Bose, "Either you see the world absolutely dark and light falls on it or an illuminated one imparting shadows." However you see the world and however you see yourself the Quid Novi is your forum for sharing ideas, be they left or right, light or dark.



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Announcements / Annonces

McGILL / INTERAMICUS Lecture Series

Justice Peter Cory of the Supreme Court of Canada will speak at 1 p.m. on Wednesday, January 12th, 1994 in the Moot Court. His topic will be "Freedom of Expression".

LEGAL THEORY WORKSHOP

On Friday, January 14th, 1994 at 11:30 a.m. in Room 202 of New Chancellor Day Hall, **Professor Kent Greenawalt** of Columbia Law School will speak on "Free Speech Problems in Canada and the United States with Particular Emphasis on Obscenity". Professor Greenawalt is the author of several important books in jurisprudence and constitutional theory. He is now writing a new work on free speech and is particularly interested in the way Canadian law addresses issues of obscenity and hate propaganda. His talk is based on parts of the draft for his new book. The topic promises to be of great interest to all students, with or without specific background in legal theory. Everyone is welcome.

La Bibliothèque/The Library Staff - RECLASSIFICATION

La bibliothèque est en train de reclassifier l'ancienne collection Cutter à la nouvelle classification de la bibliothèque du Congrès (Library of Congress ou LC). Une fois complété, ce travail nous donnera une bibliothèque beaucoup plus facile à utiliser, mais cependant, vous trouverez des volumes qui ont été changés de place.

Nous essayerons de garder les inconvénients au minimum, et afficherons des avis dans les rayons quand des livres ont été déplacés. Si vous ne trouvez pas les livres que vous cherchez, veuillez demander au service de référence ou au comptoir de prêt où il y aura des listes des cotes qui ont changé de place et leur nouvelle emplacement.

Veuillez nous excuser les inconvénients et merci de votre compréhension et patience.

The Library is beginning work to reclassify the old Cutter collection into Library of Congress. While life will become easier for everyone once the work has been completed, it will mean some disruption while the work is in progress, and you will find that some material has been shifted.

We will try to keep the disruption to a minimum, and will post signs when material has been moved. If you are unable to find material you are looking for, please ask at the Reference or Circulation desk where there will be lists of call numbers which have been moved and their new locations.

We apologize for any inconvenience to our users and thank you for your understanding.

NOTES FROM THE OFFICE OF UNDERGRADUATE STUDIES

MARS will be open until 16th January 1994.

Those students who plan to drop January courses are encouraged to do so as early in the course change period as possible. Other students may be waiting to take your space.

There are several additions to the Winter course offerings which you may want to note:

483-453B Financing Real Estate Transactions, Mr. Carswell, will be offered on Tuesdays, 8:00-10:00.

494-461B Insurance Law, Me. Tache, Me. Belanger, will be offered Tuesdays and Fridays 8:30-10:00 EXCEPT for the last four weeks of term, when it will be taught by Me. Tache. The teaching hours for 22nd and 29th March, 5th and 12th April will be 19:00-22:00.

389-543B Law & Practice of International Trade, Me. Hankey, will be offered Fridays, 15:30-18:30.

This course is CLOSED. It is currently oversubscribed and there will be no wait list. Please examine your schedule carefully. If you decide to drop it, please do so as early as you can in the course change period.

To assist you in making your final course selection for January 1994, the following is a reminder of late additions to the January course offerings:

389-508/9B (09) Research Seminar: Current Questions of International Trade Law, Professor Paschke. Course materials, outlines and suggested essay topics available for consultation at USO. Teaching hours:

Mon. 14:30-16:30; Thurs. 16:00-18:00, commencing February 1994. Exact teaching dates will be confirmed. Watch this space.

389-508/9B (03) Research Seminar: Sentencing in Canadian Criminal Law, Professor Healy, Me. Weitzman. Teaching hours: Tuesdays, 17:00-19:00.

472-459B (01) Civil Litigation and Advocacy, Judge Legault. Language of Instruction: French. Teaching hours: Mon. 17:30-20:30. Course will follow the same format as that offered by Me. Woods.

Keep your eye on this column for further changes and additions. We will also advertise on Bulletin Board of your computer network.

Clinique d'Information Juridique \ Legal Information Clinic

Avis à tous les bénévoles de la Clinique. We still need you to volunteer 2 hours/week. Bring your 3 best times of availability for your shift to the USO before 3 p.m. on Thursday, January 13th. Merci Beaucoup!

Social Committee

Disco Party coming soon - get your costumes ready.

YEARBOOK: Res Ipsa Loquitor

Do you have some time to help out with putting the yearbook together? Please leave a message in Res Ipsa Loquitor box in the LSA Office. There is lots to do and few volunteers.

A Message from the LSA

Remember that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA office. All students note that the LSA will be off limits to lunchers during these times!

For Sale

La Cité 6 month Health Club membership. Call Stacey at 288-5675.

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This newspaper is printed on 100 % recycled paper.

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EDITORIAL: Live, Learn, Look

The Australian government battles skin cancer brought on by overexposure to ultraviolet radiation with the "slip, slap, slop" campaign; that is, *slip* on a shirt, *slap* on a hat, and *slop* on some sun block lotion. Here in Canada we have grown up with the maxim "*stop, drop and roll*" as a reminder of what to do if one's clothes catch fire. This editorial proposes another action packed, three word ditty in an attempt to help our ailing environment.

It is unquestionable that the natural environment we live in is ailing. However, since sceptics are never satisfied unless pummeled with current, credible statistics, this paragraph is devoted to doing just that¹. The increasing human population (which, following the last global census in 1990, was approximately 5.3 billion) strains and often destroys natural ecosystems which attempt to maintain an equilibrium among the basic elements - carbon, hydrogen, oxygen, nitrogen, phosphorus, and sulphur. It is this fragile equilibrium which allows us to survive. The world population, having doubled in the last 40 years is expected to "stabilize" at around 11 billion by the year 2100. In the past 45 years 1.2 billion hectares of the earth's vegetated surface (approximately 11% - around the size of China and India combined) has suffered moderate to extreme soil degradation primarily because of agricultural activities, deforestation and overgrazing. If current trends continue 15% of the world's species of living organisms will likely be extinguished in the next 25 years. Only 1.4 million of the estimated 10 million such species have been named by taxonomists. This paragraph could continue for volumes.

Such statistics are important but they are useless unless they build an informed understanding and provoke a positive, proactive response in the reader.

Often the only way that such an understanding and response will evolve is if the reader is personally affected at a more immediate and tangible level than written words and numbers. The "live, learn, look" ditty seeks to lure the sceptical reader in such a "personal"ized direction.

Live

Don't just exist in the environment, **live** in it with open senses. Life becomes so much richer when the senses are open. Make an effort to take notice of that which you normally take for granted. Go for a walk somewhere green and take note how relaxing fresh air and natural silence can be. Compare this to a walk along Montréal's rue Sainte Catherine at rush hour. People living in urban centres like Athens or Calcutta or Mexico City are physically forced to notice their environment because it stings their eyes or comes out black when they blow their noses. By living a truly sentient life you will begin to appreciate the **value** and **privilege** of a clean environment.

Learn

Learn about the environment and its current state of health. If you care enough to open your senses and appreciate it then take some time to learn about it. Do a little research yourself or ask a knowledgeable source. By finding out exactly what is wrong with the environment and why it is so, you will better understand the serious implications of environmental degradation. In particular, the importance of consideration of long-term effects will become obvious. A few seconds exposure to a partially tested carcinogenic pesticide may only show up as full blown cancer 20 years later.

Look

Take your appreciation and knowledge of the environment and **look** for ways to put them to use. City-wide programs have made personal recycling of glass, plastic and paper simple. The cost of environmentally friendly products may still be prohibitively expensive for some but prices are slowly coming down as more such products become available. If more people buy them the prices will even out faster. Public transport is always an option to driving.

This may all sound simplistic to both sceptics and those who have "heard it all before" (i.e. who may feel that such simple suggestions will not cause any real change). However, the strength of the "live, learn, look" idea is its very simplicity. Any large scale change requires, first and foremost, a change in attitude. This will only occur when people decide that they **want** to recognize that the environment needs help. Through the "live, learn, look" idea people can gently change their attitudes themselves without having to suddenly change their lives in a drastic way.

For those who can read between the lines the irony of this editorial is that the environment will not likely wait for gentle, "at your own pace" change via a three word ditty. Enough damage has already been done that we may soon be forced to suddenly open our eyes and change our lives...for survival.

¹ All statistics quoted from "World Resources 1992-1993 - A Report by the World Resources Institute in collaboration with the United Nations Environment Programme and the United Nations Development Programme" (Oxford: Oxford University Press, 1992).



"...des travaux d'envergure sont exécutés à grands frais, dans l'intérêt du peuple du Québec, sur une petite partie d'un territoire immense dont l'écologie et l'habitat ne sont pas menacés dans un avenir immédiat. Le maintien du *status quo*, c'est l'application de la loi, sa mise à exécution, non la suspension de ses effets par le pouvoir judiciaire."

- M. le juge Lajoie sur le développement de la Baie James
Société de développement de la Baie James c. Chef Kanatewat, [1975] C.A. 166 à la p. 185.

Principal Johnston... on Sustainable Development

David L. Johnston is Principal and Professor of Law at McGill University. He chaired the National Round Table on the Environment and the Economy between 1989 and 1992. He kindly agreed to be interviewed by the Quid Novi.

Quid: I think a good place to start would be if you could explain to our readers what the term "sustainable development" means and what exactly is the mandate of the National Round Table on the Environment and the Economy.

Principal Johnston: Sustainable development, in its simplest, is establishing a balance, or more particularly, a harmony between economic and environmental imperatives. It involves fulfilling the needs of the present generation without compromising the needs of future generations. The question to my mind is how can we have economic growth with environmental protection, and not either/or.

One of the first exercises that I was involved with in articulating definitions of sustainable development was on our campus at McGill where we set up a sustainable development network of colleagues across the campus. About 100 were originally interested and we asked each of them to define sustainable development with examples taken from their own work. As you would expect there were 100 different definitions, at least in particulars, but there were some broad common themes coming from all different disciplines and they provided the basis for a very loose sustainable network on campus of people coming from Anthropology right on through to Zoology.

The National Round Table on the Environment and the Economy was an initiative of the previous federal

government in response to the Brundtland Commission's document "Our Common Future". It started in 1989 and the purpose of the National Round Table is to promote sustainable development and its practices.

Quid: What sort of interests and segments of society are represented by the National Round Table?

Principal Johnston: It has now been set up by legislation of the government of Canada. It's a 25 member board with a chair and 24 members who come from four different sectors, six from each of the four different sectors, the first sector being ministers of government, four of those being ministers of the government of Canada and two of them being provincial ministers. The second group of six is people coming from business at the chief executive officer level. The third is leaders from the environmental community and the fourth being people who would come from the scientific/educational/media community, which is where I would fit in. I chaired it from 1989 to 1992. I was the founding chair and my successor is George Connell who is the former President of the University of Toronto.

Coming back to the first group of six, which I guess is the most interesting, at least from a lawyer's point of view, the four ministers who served in the original term were the Minister of Finance, the Minister of the Environment, the Minister of Energy, and the Minister of Industry, Trade & Commerce. What is fascinating about that, is having a Minister of Finance and a Minister of Environment around the same table. I think that symbolizes the bringing together of the economic and environmental interests in one place. As well, having business representatives and environmental representatives around a "round" table to develop common solutions as opposed to

antagonistic approaches is an objective of the Round Table process.

Quid: What stage would you say Canada is at now in terms of implementing the goals of sustainable development?

Principal Johnston: I would say that we are in the early to intermediate stages if we say that the concept only began in 1987 with the publication of the Brundtland Report. Of course it didn't. The concept goes back at least to the time of the Pharaohs in Egypt when they used to take a reading of the height of the Nile River at what is now the Aswan dam. They would take that reading on New Year's Day and based on the level of the Nile they would then store the appropriate amount of seed corn from the current harvest for the next growing season. So, the concept of sustainable development goes back at least 4000 years.

If we do mark it from 1987 I think it's fair to say that Canada has been among the national leaders but not necessarily leading the pack. That distinction may be held by Norway. Madame Brundtland, who is now the Prime Minister of Norway, was the Chair of the Brundtland Commission and she was the first Minister of the Environment in the industrialized world. I think Canada may have appointed the second Minister of the Environment in the industrialized world shortly after that.

I guess to document that statement that Canada is in the "early to intermediate stages" I believe that the creation of the National Round Table and Round Tables in all ten provinces and two territories and in many municipal and regional governments is one indicator that sustainable development is making progress at least through that vehicle in Canada.

(Continued on page 5)

Principal Johnston

(Continued from page 4)

A second would be the Green Plan of the federal government, announced about three years ago, which I think has been somewhat cynically treated by many people the reality was that it was a \$3 billion commitment at a time of very constrained government expenditures and one can't negate that. The Green Plan has made some considerable progress and I think has been reasonably praised in other quarters around the world as a concrete manifestation of a desire to move forward in sustainable development objectives.

It's too early, I think, to give a reading on the current Liberal government which has different ideas as any new government will. Certainly the Minister of Finance, Mr. Martin, the Prime Minister, Mr. Chrétien, and the Minister of the Environment, Ms. Copps, have all, in opposition, declared very strong interest in the concept and philosophy. In fact, when the legislation for the National Round Table was introduced into the House of Commons Mr. Martin gave a very supportive statement in favour of it and more broadly the concept of sustainable development.

Quid: When we look at examples like the Great Whale project here in Québec, the Rafferty Alameda project in

Saskatchewan, and what is currently going on in Clayoquot Sound in B.C. it becomes blatantly obvious that the potential for environmental degradation is closely linked to the actions of all levels of government and the actions of the business community. Do you think the most effective route towards sustainable development is through governmental regulation (i.e. the law) or do you think the key is really a greater impetus from within the business community?

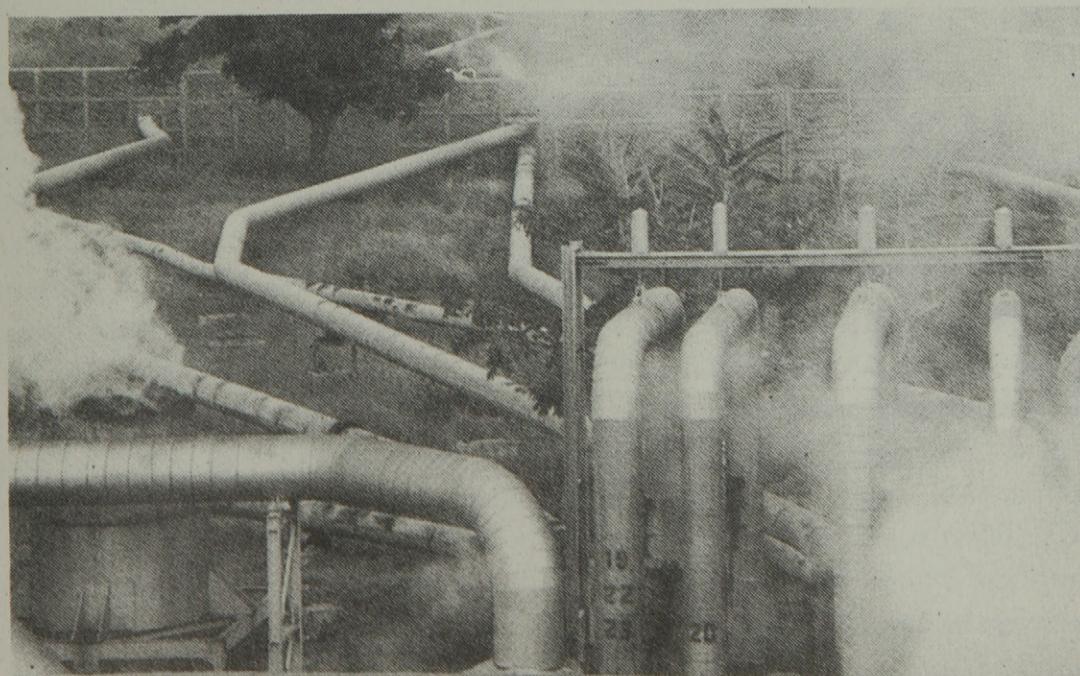
Principal Johnston: Well, that's a very large question and I don't think it can be answered with either/or. I guess my answers would begin in a more fundamental way. The first fundamental proposition is a greater sense of striking a balance in the case of all parties. Secondly, a much greater sense of striking the balance earlier - that one begins a project with an environmental and an economic perspective as opposed to beginning a project that has an economic perspective, like an oil sands or hydroelectric project, and then one sort of stumbles onto the environmental impact somewhere on the way through, where "on the way through" may be very late in the game.

I would apply the same approach to what we as lawyers say with respect to our sphere. Does one use a "command and control" approach to proper environmental behaviour? Does one look for incentives? Does one look for some kind of institutional changes so

that the balance is struck earlier? The answer is all of those. Over the weekend I began reading a number of reports on which parts of those packages one applies and I think one applies different parts to different situations. The document I was reading was comparing various taxes, beginning with a "gas guzzler tax" through to a "gas tax" through to a "fuel tax" through to a "carbon tax" through to an "energy tax". These are all matters that are worthy of study.

I think for me and for the purpose of your newspaper we have to develop a more sophisticated understanding. On the part of law students this means learning about sustainable development and then working it into our frameworks and our daily lives and then attempting to influence legislation, corporate behaviour, environmental behaviour.

You are doing something right now for example. As I understand this is a special environmental issue of the newspaper. A few years ago there was a special issue of the McGill Law Journal and I was absolutely delighted when asked if I would write for it and I wrote an introductory piece. I was really excited about doing it and spent five weekends working on that. It was blood, sweat and tears for a guy who has spent most of his time managing things but I was honoured because here was a group of students saying "we are going to make some statements about the law", which is important. That's the way progress is made in my judgement.



"The evidence shows that the profits which can be realized from the disposal or reprocessing of industrial waste are substantial."

- Justice Woodworth
R.v. Varniclor Chemical Ltd., (1992)
 9 C.E.L.R. (N.S.) 176 at 183 (Ont. Prov. Ct.).

Les "taxes vertes": Mettre l'économie au service de l'environnement

Alain Olivier
LLB IV

Peu avant le Nouvel An, le Gouvernement fédéral s'est engagé à revoir l'impact environnemental de toutes les subventions et taxes fédérales, de façon à encourager les activités économiques qui tiennent compte de l'environnement. Ce projet ambitieux, auquel collaboreront les ministères de l'Environnement et des Finances, pourrait donner lieu à d'importants changements au système fiscal canadien. Bien que l'on soit encore très loin de recommandations concrètes, le Gouvernement pourrait considérer des changements au système d'impôts sur le revenu ou au schème des taxes à la consommation pour rencontrer ses objectifs. Je pense que même si ces initiatives sont souhaitables, elles rencontreront d'importants obstacles au niveau de leur mise en oeuvre.

En imposant des taxes spéciales sur les produits nocifs à l'environnement, tels que les pesticides, les produits à haute teneur en carbone et les dérivés du papier vierge, le Gouvernement fédéral fournirait un incitatif aux particuliers et aux entreprises pour changer leurs habitudes de consommation. En effet, par une sorte de "TPS environnementale", le Gouvernement pourrait encourager la substitution vers des produits plus sains, tant pour ce qui est de la production (substitution entre matières premières) que de la consommation (substitution entre produits finis). Toutefois, la création d'une nouvelle taxe sur les produits, surtout en 1994, pose de réels problèmes économiques et politiques. D'une part, la perception d'une "taxe verte" exigerait la mise en place d'un appareillage administratif important à une époque où l'on essaie de réduire plutôt que

d'agrandir la taille de l'État. De plus, bien qu'une TPS environnementale ait une valeur "éducative" en décourageant la consommation de certains produits, elle amènerait le détournement de certaines activités vers le marché noir (qui a d'ailleurs connu une croissance exponentielle depuis 1991). Finalement,

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à l'heure actuelle, l'économie canadienne n'a franchement pas besoin d'une nouvelle taxe pour étouffer la reprise économique qui commence à se manifester. Pour ces raisons, je crois qu'à l'heure actuelle, la création de taxes vertes rencontrerait une certaine hostilité de la part des contribuables.

S'il est vraiment déterminé à instituer des taxes environnementales, le Gouvernement fédéral ne devra pas sous-estimer le travail à faire. En premier lieu, il aura à adopter des règlements détaillés sur les substances et produits à éviter ou à proscrire et sur les proportions maximales permises dans la production sans qu'une taxe ne soit imposée. Il devra aussi créer un système de perception, de surveillance et de mise en oeuvre de la *Loi*, avec un partage de

responsabilités clair entre les ministères impliqués. Le Gouvernement fédéral devra également déterminer à quelles fins seront utilisés les fonds additionnels recueillis grâce à cette taxe. Malgré tous ces obstacles, je crois qu'une TPS environnementale constituerait un moyen efficace pour inciter les Canadiens à changer leurs habitudes de consommation pour tenir compte de l'environnement, et permettrait de partager les coûts de manière relativement équitable entre les particuliers et les entreprises.

Cependant, toute discussion sur les "taxes vertes" doit être précédée de négociations commerciales au niveau international. En effet, vu l'existence de l'Accord de libre-échange nord-américain (l'ALÉNA), la création unilatérale d'une TPS environnementale par le Canada serait immédiatement contestée par nos partenaires commerciaux, qui y verraiient (avec raison) une barrière tarifaire indirecte imposée aux produits étrangers. On peut raisonnablement espérer qu'une telle initiative fiscale pourrait être intégrée dans le cadre de l'entente parallèle sur l'environnement, moyennant un certain "give and take" de la part des gouvernements concernés.

En somme, à cause de leurs implications profondes, tant au point de vue économique qu'environnemental, et à cause de leur importance dans le cadre des responsabilités du Canada sous l'ALÉNA, les "taxes vertes" ne pourront voir le jour qu'après une étude sérieuse du Gouvernement fédéral (accompagnée, il va sans dire, de vastes consultations auprès des Gouvernements provinciaux et du public).

Espérons néanmoins que ce projet ne sera pas relégué aux oubliettes!

Environmentalism, Religion, and the Examined Life

Jonathan Solomon
BCL II

Talking about environmentalism is like talking about religion. Both are broad areas of idea and controversy, and there is not much that can safely be said to be true about either. I might be able to claim that religion has something to do with Faith and God(s), but that is incomplete. I could claim that environmentalism has something to do with the natural world and how we relate to it, but that too is incomplete.

More than just covering much ground, environmentalism is fragmented (like religion) into different values and different opinions. People work on animal rights, preservation of wildlife, conservation of farmland, writing better regulations, building better smokestacks, and they all call themselves environmentalists. Environmental ideas get brought into all kinds of activities which would seem otherwise unconnected; one of the biggest environmentalists in the business world is the president of Quaker Oats, Canada.

Green ideas are slippery, mostly because the people applying them can never agree on the basic framework and values underlying these ideas. The only broadly successful concepts have been those which have said next to nothing. The best example is sustainable development. First used by activists and academics, the term was popularized in the 1987 Brundtland Report, "Our Common Future". Since then, it has been gleefully used to mean everything from "as many factories as the economy can carry" to "ecological, self-sufficient, bio-regional communities". Remember the teacher you had when you were seven

years old? "Boys and girls, the word for today is Sustainability. Can you use that in a sentence? No, Annie I'm sure your brother doesn't have three sustainabilities. Yes, Charles, cars can be sustainable". No substance. The idea becomes an empty adjective.

The environmental ideas which you will see in the mainstream media don't have too much content; they need to be acceptable to too many people. *The Globe and Mail* doesn't do much reporting on bioregionalism, although it is an important concept. It is not a slippery idea, and it is not really subject to misinterpretation. There are, in fact,

want to say environmentalism is a new religion, and I don't want to dictate the kinds of values people should have. I do want to make people think critically about these things.

There is a problem out there in the real world. It is unlikely that the world will implode tomorrow (we'll probably go out with a pathetic whimper, not a bang), or that we will all suddenly die of pollution. The problem is that too many people act like sheep. It is far too easy to surf through life, do the work expected of you and ask no controversial questions. It is safe. It gets you a roof over your head and a TV to waste your spare time on.

This doesn't threaten environmentalism, it just makes it all the harder to move the world in a different direction than it is going. It is trite and I am sure you have heard it before, but people should sit up and examine the world around them. Learn to look critically at the things you do. That idea your professor just threw at you, how does it change what happens outside law school? If you want new ideas, new thoughts, learn to find other sources than the popular media.

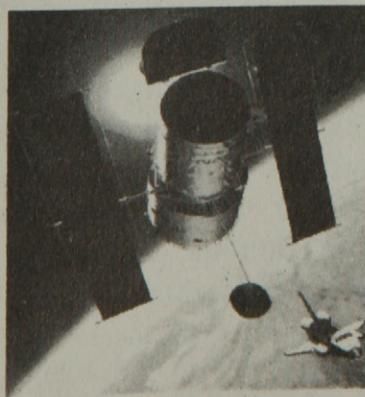
Here is a simple case in environmentalism. Go home, open your garbage can, and examine its contents. Where did this stuff come from and how did it get to you? Did you need most of it? Where is it going to go from here? What else could you have bought or where else could you put it?

One of my professors used to encourage the class to think critically. She used to quote Plato and say "the unexamined life is not worth living". I used to think she was too radical, but I don't anymore.

Green ideas are slippery...The only broadly successful concepts have been those which have said next to nothing.

many such ideas which never make it to the mainstream media, but which live and grow and are shared through other sources than *Maclean's*.

Look, this isn't meant as a rant about how poor our media is, or what is the best brand of environmentalism, or even how cute David Suzuki is, it's about something else. The analogy between religion and environmentalism isn't empty. For all the breadth and complexity of these subjects, they are both about belief. People involve themselves in activities they call environmentalism because they are concerned, because they care about something. These people have values which push them in this direction. I don't



"All physical activities have some environmental impact"

- Justice LaForest

R. v. Crown Zellerbach Canada Ltd., [1988] 49 D.L.R. (4th) 161 at 200 (S.C.C.).

MYOPIE

**Laurence Detière
BCL I**

Nous avons d'abord été les témoins d'un éveil aux problèmes écologiques, puis à l'environnement lui-même. Nous avons ensuite commencé à participer aux débats écologiques, tantôt en encourageant le recyclage, tantôt en boycottant certains produits, mais le plus souvent de façon passive, en nous contentant d'approuver les "programmes" que d'autres mettent en route pour nous.

Quelque soit l'opinion que l'on puisse avoir sur la gravité et l'urgence des situations relatives à l'environnement, nous avons tous été sensibilisés à l'environnement dont nous faisons partie, et aux débats écologiques qui font fureur. Pour la plupart cependant, nous avons une vision myope de l'écologie et de ses problèmes, et notamment une perception faussement simple des solutions qui pourraient remédier aux maux écologiques.

Tout est vert

De nombreux défenseurs des solutions dites vertes sont très extrémistes, et ce sont souvent leurs propos qui reçoivent le plus d'attention, et le plus de soutien.

Ce n'est pas dire que tous les environnementalistes soient extrémistes, au contraire. Les "professionnels" sont justement conscients des multiples facteurs intrinsèques à l'environnement, tels que les dynamiques naturelles, démographiques, sociologiques et économiques par exemple. Cependant, de nombreux groupes sont aveuglés par leur déterminisme vert, et reçoivent donc énormément d'attention internationale par leur présentation apocalyptique des propos environnementaux et leur solutions puérilement simplistes. Pour employer les mots de Jean Bernard, "Cette passion refuse toute nuance, toute justification. Elle inspire des diatribes, des réquisitoires souvent violents." L'écologie n'est pas une dicotomie

pollution/arrêter la pollution par exemple. Ces solutions simplistes reçoivent beaucoup d'attention, et malheureusement, beaucoup d'appui, à cause justement de leur aspect simple et efficace. Cependant les problèmes écologiques ne sont pas unidimensionnels comme on nous les présente souvent.

La première dimension

Le plus problématique est d'accepter cette vision unidimensionnelle du commun des mortels qui s'auto-déclarent environnementalistes. Un environnementaliste est pourtant un spécialiste de l'environnement. D'ailleurs ce sont eux les plus sensibles aux nombreux facteurs en jeu dans ce que

On parle beaucoup de l'homme affreux, des industriels qui précipitent la planète vers sa perte. Mais n'oublions pas que de nombreux problèmes écologiques graves sont issus de phénomènes naturels.

nous appelons de façon générale l'environnement. Ils sont alors plus prudents dans leurs propositions de solutions et de l'efficacité de celles-ci. Les milliers de guerriers verts qui soutiennent les mouvements verts, quelqu'ils soient, ne peuvent s'octroyer le titre de spécialiste, ou même de "connoisseur". Leur impression de connaître un problème complexe crée une vision myope de l'écologie, qui n'inclu pas tous les éléments qui sont indissociables de "l'environnement", et doivent donc être pris en considération dans l'élaboration de programmes qui favorisent l'écologie. Sinon, les solutions sont mal adaptées à la réalité et donc impraticables.

Il faut "think globally, act locally", mais aussi être conscient des limites qu'a chacun de faire une différence, et connaitre l'ampleur des problèmes qu'on peut poser afin de mieux ajuster les solutions. Mieux vaut fixer des buts atteignables afin d'utiliser de façon efficace les ressources disponibles, et obtenir des résultats. Grouper sous une même étiquette une miriade de problèmes disparates, allant des dépotoirs locaux aux conséquences des puits de pétrole qui brûlent de l'autre côté de la terre, les gens ne peuvent canaliser leur efforts et envisager des solutions précises.

S'impose alors une certaine gradation des situations écologiques qui peut presque être faite d'un point de vue géographique car les problèmes de nature locale requièrent généralement des méthodes plus directes que les situations écologiques à l'autre bout de la terre, qui elles baignent dans des relations diplomatiques délicates, et une quasi-impuissance des nations "extérieures" quant à l'application de solutions proposées.

Auto-destruction

On parle beaucoup de l'homme affreux, des industriels qui précipitent la planète vers sa perte. Mais n'oublions pas que de nombreux problèmes écologiques graves sont issus de phénomènes naturels. Un volcan aux Philippines lance des millions de particules dans l'atmosphère: la météo du globe est affectée pendant des mois, voire plus. Les saisons s'estompent, des récoltes périssent. De même que les nuées d'insectes, les glissements de terrain, les cyclones et les feux de forêts dus à la sécheresse qui changent un écosystème de façon brusque et définitive. La terre se meut en effet elle-même. Des milliers de races animales et végétales ont apparu et péri des siècles avant l'apparition de l'Homme. Les climats ont changé. La terre s'est réchauffée d'elle

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VERTE

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même aussi. Le désert continue à gagner du terrain. Ce n'est pas la pollution industrielle qui a sorti la plus grande partie des terres des calottes glaciaires à l'ère secondaire. Certes, l'homme participe aujourd'hui activement à la dégradation de l'environnement, mais il n'en est pas le *seul* auteur.

Sur la marché, tout est vert... pour la plus part "écolo d'accord, mais écono d'abord".

L'hypocrisie verte

Dans la course folle des groupes verts, des solutions erronées ont été apportées. On se rend compte alors que ce qui est favorable à l'éologie n'est pas seulement ce qui a l'apparence de l'être. L'exemple le plus connu est celui des couches. On a parlé, par exemple, de la condamnation des couches jetables, mais les services de buanderie des couches en tissu nuisent autant à l'environnement que leur alter-ego, mais de façon différente. Lorsque des solutions sont proposées, les diverses alternatives et leurs conséquences doivent être examinées. Les mouvements verts ne peuvent pas seulement viser à éliminer ce qui est "mal", ils doivent aussi proposer des solutions réelles. Le plus souvent d'ailleurs, il s'agit de minimiser l'effet nocif sur l'environnement, et non de l'éliminer, ce qui est quasiment impossible.

Sur le marché, tout est vert, mais souvent plus parce que c'est "politically correct" qu'autre chose. L'éologie est utilisée pour vendre tout, depuis les services bancaires jusqu'aux couches et aux voitures. Cependant, les produits sont pour la plus part "écolo d'accord, mais écono d'abord". Par exemple, un disque dont les profits vont vers plusieurs organismes écologiques est sorti en Europe, mais le papier utilisé n'est pas

recyclé, même en partie. Et les divers produits transparents qui sortent donnent l'apparence d'être pur, et donc moins nocifs, mais le sont-ils vraiment? Les consommateurs demandent-ils vraiment des changements "verts", ou se contentent-ils de l'illusion écologique qui appaise leur conscience? Toute cette écologie des consommateurs est elle réelle ou parce que c'est "politically correct"?

nombre croissant de personnes sur une terre qui s'effrite, notamment dans les régions plus pauvres du globe. Les gouvernements favorisent les solutions efficaces et rapides, les chemins favorables à l'éologie ne sont pas envisagés à cause du coût à la fois humain et économique.

Il faut arrêter de défricher la forêt, par exemple, pour préserver la faune et la flore qui s'y trouvent, mais si on dépend de ce défrichement pour cultiver des terres qui nous ferons vivre? et limiter la pêche, mais si c'est notre seule source de revenu? Le coût humain de la préservation de l'environnement, étroitement lié à l'argent, est parfois difficile à concilier avec les solutions écologiques, mais aussi impossible à ignorer. L'aspect écologique à long terme est sacrifié pour répondre aux besoins immédiats et urgents. De plus, l'industrialisation de nombreux pays, avides de "ratrapper" les autres, ignore les données écologiques afin d'obtenir des résultats tout de suite. Et après tout, comment avons nous obtenu le mode de

Acheter des produits verts n'est pas équivalent à sauver l'environnement comme le laissent entendre de nombreux consommateurs et de publicités. Mais il semble qu'on en revienne toujours aux problèmes monétaires, et à la difficulté d'accepter un sacrifice actuel, pour un bénéfice futur.

Le revers de la médaille

Rares sont les solutions aux problèmes où tout le monde gagne, sans rien donner en échange. Les problèmes écologiques graves ne présentent jamais une solution "win/win": A long terme peut-être, mais pas dans l'immédiat. Il est évident que le long terme est une priorité, mais la noblesse des causes écologiques n'est pas suffisante pour justifier le coût, et pas seulement monétaire, des voies vertes. En effet, ce n'est qu'en satisfaisant les diverses exigences qui participent au problème, que des solutions peuvent être mises en oeuvre de façon efficace.

Indissociable

L'éologie ne peut être dissociée des données démographiques et sociales. On ne peut attribuer tous les problèmes à l'explosion démographique, mais aux difficultés de subvenir aux besoins d'un

Même si l'on condamne les préoccupations économiques, ce n'est que dans le jardin de Candide ou au royaume de Babar que l'on peut espérer que l'économie et l'argent ne joueront qu'un rôle minime dans les décisions commerciales.

vie dont nous jouissons actuellement? On peut désapprouver de ce comportement, mais on ne peut pas ne pas le comprendre.

De façon plus générale encore, de

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ELAM UPDATE

The Environmental Law Association's main activity right now is the Used Book sale. It can be found beside the Book Store, and will run until Friday Jan. 14. If you have any books to sell or want to buy any of your texts used, take advantage of the sale. For more information, look at the posters scattered throughout New Chancellor Day Hall or call Vincent de Grandpré (BCL II).

One of the other things

happening this semester is the Environmental Law Career Day. Several practitioners from the public and private sector will discuss opportunities in environmental law, and some issues in its practice. There will be time to ask questions and partake in the wine and cheese provided. This shall take place soon after the study break.

We also hope to run trips out to areas and events of

environmental interest. Among these are trips into Montreal's downtown to examine urban planning and design issues, and trips to upcoming environmental hearings. For more information on this, please contact Sylvain Rouleau (BCL II).

There are more projects in the works. If you have any questions about ELAM or its activities, please feel free to call Jonathan Solomon (BCL II).



"The effects of pollution are gradual, cumulative and synergistic."

-Justice Woodworth

R. v. Varniclor Chemical Ltd., (1992) 9 C.E.L.R. (N.S.) 176 at 180 (Ont. Prov. Ct.).

MYOPIE VERTE

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nombreux problèmes écologiques graves correspondent à des problèmes "moraux", autant qu'économiques. La décision de vider et nettoyer les cales des pétroliers en haute mer est moins financière, qu'une acceptation tacite d'actions irresponsable.

Même si l'on condamne les préoccupations économiques, ce n'est que dans le jardin de Candide ou au royaume de Babar que l'on peut espérer que l'économie et l'argent ne joueront qu'un rôle minime dans les décisions commerciales. Le commerce fait partie de la vie quotidienne des hommes depuis toujours, et bien qu'à la source de nombreuses catastrophes écologiques, il ne peut toutefois être éliminé et doit donc être pris en considération dans l'élaboration de solutions. Que l'on approuve ou non des pratiques qui

valorisent l'argent, il vaut mieux vaut accepter des données immuables et élaborer des solutions qui sont viables.

Impossibilité d'agir

Et n'oublions pas non plus que les problèmes écologiques qui s'avèreront être les plus graves sont probablement ceux dont nous ne percevons pas encore l'ampleur, ou que nous ignorons totalement. Pendant des décennies des produits chimiques et des réactions, nucléaires et autres, ont été testés, ici et partout. Sous le sceau du secret, l'ampleur de ces expériences demeure inconnue, et les conséquences imprévisibles, puisque souvent les produits testés sont nouveaux et les réactions à long terme imprévisibles.

L'impuissance de la communauté internationale face à la réouverture de Chernobyl, la bombe atomique que possède maintenant la Corée du Nord, et les déchets toxiques abandonnés sur les

fonds marins par exemple, témoigne de la difficulté d'attaquer et de résoudre les problèmes écologiques aux dimensions internationales.

Les problèmes qui menacent l'écologie sont indissociables des facteurs démographiques, sociaux, et économiques. Les solutions doivent donc tenir compte de ces facteurs et les inclure dans l'équation de la solution, car tout autre approche échouera dans son inaptitude à répondre aux réalités. Il faut admettre que certains problèmes sont plus complexes que d'autres, que certains sont incontrôlables, bien qu'ils soient majeurs, tels que les phénomènes naturels, que d'autres sont quasiment inévitables, tels que ceux qui sont issus des guerres (bombes, puits de pétrole en feu).

C'est avec tous les éléments en main, et non avec un idéal impraticable, qu'il faut tenter de minimiser les méfaits écologiques.



Réunion Générale QUID NOVI General Meeting

There will be a Quid Novi general meeting on Wednesday, January 19th at 1 p.m. in the Quid Novi office (basement of 3661 Peel, Rm. 15). The meeting is mandatory for all production staff and editors. If you cannot make the meeting then call Jay at 270-1589 and leave a message.

La réunion est, bien sûr, ouverte à tous les personnes intéressés par n'importe quel aspect du Quid Novi. En venant au réunion, vous ne vous engagez à rien. Toutes les suggestions et les idées nouvelles sont bienvenues. S'il y a quelque chose que vous aimerez voir dans le Quid Novi... venez!

Part of the purpose of this meeting will be to elect a new News Director (Josie Duan has left us for fair Holland) and a

French Editor. The News Editor is responsible for gathering announcements (if there are any) each week from the Undergraduate Students Office (USO) and the Office of the Associate Dean (Academic). As well, the News Editor will be responsible for making sure the LSA meetings are covered. The French Editor will be responsible for proofreading all french submissions, learning about the production process and writing the odd editorial in french.

Les deux postes sont ouverts à toutes personnes ayant travaillé à la production pendant au moins une session ou ayant écrit plus d'un article pour le Quid Novi. Évidemment, une compétance suffisante est requise pour le poste de Rédacteur(rice) Français(e).

“Les citoyens ont intérêt et surtout le droit de protéger leur environnement.”

-M. le juge Gendreau

*Procureur Général du Québec c. Bécahard,
[1989] R.J.Q. 261 à la p. 266 (Qué. C.A.).*



EPILOGUE



"From space, we see a small and fragile ball dominated not by human activity and edifice but by a pattern of clouds, oceans, greenery, and soils. Humanity's inability to fit its doings into that pattern is changing planetary systems, fundamentally. Many such changes are accompanied by life-threatening hazards. This new reality, from which there is no escape, must be recognized - and managed."

-World Commission on Environment and Development, *Our Common Future*, (Oxford: Oxford University Press, 1987) at 1.